IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NO : 8551 of 1994

Between:

Godavarthi Bhaskar Rao,

S/o. Rama Murthy, age 64 years,

R/o. Block 4, Flat No.3 H.I.G. Bagh Lingam Palli,

Hyderabad – 500 044.

..... PETITIONER

AND

1. Andhra Prabha Private Limited,

rep.by its Manager, Express Centre,

Domalaguda, Hdyerabad-20.

2. Andhra Prabha Private Limited,

Vijayawada rep.by its General Manager,

Poornandampet, Vijayawada-3.

3. Presiding Officer, Labour Court-I, A.P.

Chandra Vihar complex, Hyderabad.

4. Government of Andhra Pradesh,

rep.by Secretary, Department of Women's

Development, Child Welfare and Labour (LAB-I),

Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction declaring that the Award dated 07-12-1993 made by the third respondent in I.D.No.565/88 as published in G.O.Rt.No.148, Women Development Child Welfare and Labour (LAB-I) Department dated 12-01-1994 and the order of termination dated 18-02-1987 passed by the first respondent terminating the services of the petitioner as arbitrary, illegal, unjust, violative of fundamental rights guaranteed to the petitioner under Articles 14 of the Constitution of India and also contrary to the provisions of Industrial Disputes Act and issue a consequential direction not to give effect to the same.

Counsel for the Petitioner: MR.C.V.MOHAN REDDY

Counsel for the Respondent No.1: Mr.S. Ravindranath

Counsel for the Respondent No.2: Mr.S. Ravindranath

Counsel for the Respondent No. 4: GP FOR SOCIAL WELFARE

The Court made the following

ORAL ORDER:

Heard both sides.

2. The Award in I.D.No.565 of 1988, dated 07-12-1993 passed by the Labour Court-I, Hyderabad (for brevity “the Tribunal”), wherein and whereby the order of termination of the petitioner, through order, dated 18-02-1987, passed by the first respondent was upheld, is under challenge in the present writ petition.

3. The petitioner is the workman, the first and second respondents are the Management, the third respondent is the Tribunal and the fourth respondent is the Government.

4. For the sake of convenience, the petitioner, the first and second respondents, the third respondent and the fourth respondent

will be referred to as “the workman, the Management, the Tribunal and the Government” respectively.

5. As seen from the affidavit, filed in support of the writ petition, it is to be seen that the workman was working as a Proof Reader. During his services, it was found that the date of birth of the workman was wrongly informed. It appears that an enquiry was conducted and the workman was asked to retire from service with effect from 18-02-1987.

6. The Tribunal upon appreciation of the facts and circumstances and the evidence, both oral and documentary, on record, held that the workman does not fall within the definition of the ‘Workman’ under the Industrial Disputes Act, 1947 (for brevity “the Act”)
since his service conditions are governed by the Working Journalists Act. Hence, it was found by the Tribunal that the dispute under the Act was not maintainable. Further, the Tribunal having found that the difference of the service lost by the workman consequent upon the enquiry was only of seven months, the Management was directed to pay the salary for the remaining seven months in order to put an end to the litigation and also in the interest of justice.

7. For the foregoing reasons, I do not find any illegality or irregularity in the impugned Award passed by the Tribunal.

8. Accordingly, the writ petition is closed. However, there shall be no order as to costs.

D.S.R. VARMA, J

29TH OCTOBER 2004

ISN/KRK

To

1. The Presiding Officer, Labour Court-I, A.P.

Chandra Vihar complex, Hyderabad.

2. The Secretary, Government of Andhra Pradesh,

Department of Women's Development, Child Welfare and Labour (LAB-I),

Secretariat, Hyderabad.

3. Two CCs to G.P. Social Welfare, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.